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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

PLANNING, DEVELOPMENT AND THE
ENVIRONMENT COMMITTEE

LAURA SCHAEFER, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, May 4, 2015
3:27 P.M

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3 A P P E A R A N C E S:

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5 LAURA SCHAEFER,
 Chairwoman

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7 DENNIS DUNNE,
 Vice Chairman

8

9 DENISE FORD

10

11 STEVEN RHOADS

12

13 JUDITH JACOBS,
14 Ranking

15 CARRIE SOLAGES

16 LAURA CURRAN (substituted by
17 Delia DeRiggi-Whitton)

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19 WILLIAM J. MULLER, III
20 Clerk of the Legislature

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LIST OF SPEAKERS

NICK SERANDIS, Deputy County Attorney.....	6
KEVIN WALSH, Nassau County Real Estate Office.....	11

Planning & Development Committee/5-4-15

2 CHAIRWOMAN SCHAEFER: At this
3 time I will call the Planning, Development
4 and Environment Committee to order. I'll
5 ask the clerk to please call the roll.

6 CLERK MULLER: Legislator Jacobs,
7 is somebody substituting for Legislator
8 Curran?

9 LEGISLATOR JACOBS: Legislator
10 DeRiggi-Whitton.

11 CLERK MULLER: Legislator
12 DeRiggi-Whitton?

13 LEGISLATOR DERIGGI-WHITTON:
14 Here.

15 CLERK MULLER: Legislator
16 Solages?

17 LEGISLATOR SOLAGES: Here.

18 CLERK MULLER: Ranking Member
19 Jacobs?

20 LEGISLATOR JACOBS: Here.

21 CLERK MULLER: Legislator Rhoads?

22 LEGISLATOR RHOADS: Here.

23 CLERK MULLER: Legislator Ford?

24 LEGISLATOR FORD: Here.

25 CLERK MULLER: Vice Chairman

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2 Dunne?

3 LEGISLATOR DUNNE: Here.

4 CLERK MULLER: Chairwoman

5 Schaefer?

6 CHAIRWOMAN SCHAEFER: Here.

7 CLERK MULLER: We have a quorum.

8 CHAIRWOMAN SCHAEFER: We have

9 three items on the agenda. Clerk Item

10 140-15 is an ordinance making certain

11 determinations pursuant to the State

12 Environmental Quality Review Act and

13 authorizing the county executive of the

14 County of Nassau to accept on behalf of the

15 County of Nassau an offer of purchase from

16 the Dapice Trust of certain premises located

17 in New York Park, County of Nassau, State of

18 New York, said property known as part of

19 Section 8, Block 211-12, Lot 101 on the land

20 and tax map of the County of Nassau, and to

21 accept on behalf of the County of Nassau an

22 offer of purchase from Salvatore and

23 Patricia Lupo of certain premises located in

24 New Hyde Park, County of Nassau, State of

25 New York, said property known as part of

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2 Section 8, Block 211-12, Lot 101 on the land
3 and tax map of the County of Nassau and
4 authorizing the county executive to execute
5 a deed contract of sale and all pertinent
6 documents in connection therewith to
7 consummate the sale.

8 Can I have a motion?

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR FORD: Second.

11 CHAIRWOMAN SCHAEFER: Motion by
12 Legislator Dunne, seconded by Legislator
13 Ford. The item is before us. Is there
14 anyone here to speak on this item?

15 MR. SERANDIS: Nicholas Serandis,
16 Deputy County Attorney. This is the sale of
17 property which is adjacent to the two
18 homeowners that are listed in the ordinance.

19 The county had offered the
20 property for sale to the adjacent homeowners
21 as it is surplus property and not
22 necessarily for county use.

23 The owners have agreed to accept
24 the sale of these properties for the prices
25 that are listed on the staff summary. They

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2 are both very small properties which won't
3 affect the buildability in the not buildable
4 lots. The sales were in accordance with the
5 county and there was a planning commission
6 action to subdivide the lot so it was one
7 continuous lot and now it would have been
8 subdivided.

9 We are asking approval for the
10 sale so that the property can go out of
11 county control and be added to the tax rolls
12 of the county.

13 CHAIRWOMAN SCHAEFER: Is there
14 any debate or discussion on this?

15 LEGISLATOR RHOADS: Just one,
16 Madam Chairwoman.

17 CHAIRWOMAN SCHAEFER: Legislator
18 Rhoads.

19 LEGISLATOR RHOADS: I do note in
20 the backup that OSPAC had actually passed a
21 verbal resolution recommending the sale of
22 the entire lot. I know that it has been
23 subdivided, but is the entire lot being
24 sold?

25 MR. SERANDIS: No. The lot was

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2 behind three homeowners. Two lots were
3 being sold to the adjacent homeowners, the
4 other lot being retained by the county, the
5 adjacent homeowner did not want to purchase
6 the lot.

7 LEGISLATOR RHOADS: I think the
8 concern, having sat on OSPAC, I know this is
9 June of 2012, so I'm kind of straining my
10 memory on this one, if I remember the
11 property correctly, I think the concern is
12 that the residual piece of county property
13 would be a lot that we would not be able to
14 gain access to, which is why we recommended
15 the sale of the entire lot.

16 MR. SERANDIS: We did go through
17 DPW and they didn't have any issue regarding
18 that and neither did the Planning Commission
19 at the time.

20 LEGISLATOR RHOADS: Well, just
21 the concern is, if it is in fact that lot,
22 I'm assuming we don't have any kind of photo
23 of the overview of the area, the concern is
24 that the county would own a piece of
25 property that we wouldn't be able to get

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2 access to it if something happened on that
3 piece of property.

4 I thought the concern was the
5 potential for liability if someone were to
6 enter that property and get hurt.

7 MR. SERANDIS: That is a concern
8 and what we'll attempt to do is to offer the
9 property back to sale to that owner or the
10 owner directly adjacent to see if we can
11 sell the property in the future.

12 LEGISLATOR RHOADS: I think
13 that's why the suggestion was made that it
14 all be done at the same time.

15 MR. SERANDIS: At that point
16 there was a proposal that somebody was going
17 to purchase the entire lot, and they would
18 do that proposal, and then it was determined
19 that the lot should be subdivided.

20 LEGISLATOR RHOADS: So the
21 intention is to go back at this point to the
22 two potential purchasers?

23 LEGISLATOR RHOADS: I believe
24 it's always the intention of the county to
25 try to get rid of all surplus lots. We run

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2 into this problem very often because
3 occasionally we have a long strip of
4 property behind several lots that some of
5 the homeowners want to purchase and some
6 don't, and we do attempt to sell the
7 property to all of the adjoining owners so
8 that the county is not left with what is
9 essentially a land locked piece.

10 CHAIRWOMAN SCHAEFER: Any
11 comments from any other legislators?
12 Legislator Jacobs.

13 LEGISLATOR JACOBS: Just sort of
14 piggybacking on what Legislator Rhoads just
15 said. I'm confused also. If that doesn't
16 happen, then passage of this through, and I
17 realize today is not Full Leg, so that
18 there's still two weeks to go, but that's a
19 real problem if you don't have access, if
20 something goes wrong there.

21 MR. SERANDIS: It does
22 occasionally become a problem and there are
23 many lots in the county which are land
24 locked lots with the county or the towns or
25 villages or other individuals that have

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2 access problems, and that's why we attempt
3 to sell as many of these lots as we can. As
4 you might be aware, the county owns, of
5 these adjacent lots, we probably own 500 to
6 1,000 pieces all throughout the county.

7 LEGISLATOR JACOBS: Let me ask a
8 two edge question. Number one, I'm making
9 an assumption, which is never a good idea,
10 that this lot is green grass, or weeds or
11 something; am I correct?

12 LEGISLATOR RHOADS: Legislator
13 Jacobs, if it's the proposal I'm thinking
14 of, I believe it's a wooded area.

15 LEGISLATOR JACOBS: Wooded area.

16 MR. WALSH: Yes. Kevin Walsh,
17 Nassau County Real Estate Office. This area
18 is in New Hyde Park. I think it is an
19 unimproved lot. Another option that I would
20 certainly look at in the situation that you
21 raise is a good point. If there is some
22 sort of land lock property, that we would be
23 sure to at least obtain an easement before
24 we would transfer the property, an access
25 easement so we can get to our lot.

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2 LEGISLATOR JACOBS: But then one
3 of these people, in this particular two
4 parcels we're talking about, would have to
5 agree that they would allow an easement if
6 it's needed?

7 MR. WALSH: Yes. I will request
8 to get at least an access easement to get
9 access from one of the two if necessary.

10 Keep in mind, I think you raise a
11 good point. Many times with these small
12 lots behind a strip like Nick pointed out
13 often times these people are already
14 maintaining it, cutting the grass, et
15 cetera, that's usually the situation.

16 LEGISLATOR JACOBS: I'm just
17 worried because if you don't have that, and
18 like Legislator Rhoads said, and someone is
19 hurt, or if a tree dies or whatever, I think
20 that's pretty important that we know within
21 the next two weeks.

22 LEGISLATOR RHOADS: Madam
23 Chairwoman, if Legislator Jacobs is finished
24 with her question, if I may, I believe we do
25 have the option to actually put that into,

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2 as a condition of the sale into the
3 approval, so that our approval itself would
4 be conditioned upon there being some sort of
5 easement to allow us onto the property.

6 LEGISLATOR JACOBS: I would
7 definitely agree with you. If that would be
8 done, that would make it a much easier thing
9 to pass.

10 CHAIRWOMAN SCHAEFER: Is that
11 something that you normally do?

12 MR. WALSH: It's not always the
13 situation we have, a lot that could be
14 created that's land locked. And I'm not 100
15 percent sure it is, but we can certainly
16 speak to both owners to allow us to get
17 access.

18 CHAIRWOMAN SCHAEFER: If you can
19 clarify that for us. I think it's a great
20 suggestion to have that in the contract
21 before we make any transfer.

22 LEGISLATOR RHOADS: This is all
23 kind of based upon sort of my recollection
24 of what we passed three years ago. Is there
25 any chance, because I know for most of these

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2 properties there is at least some sort of
3 photo of what we're dealing with on a map.
4 Is it possible to get that to us in the next
5 two weeks so that we can have it? Is it in
6 the backup? Okay. Never mind.

7 MR. WALSH: We can create a GIS
8 map for it certainly, send it. I think we
9 did submit perhaps a tax map, and get a GIS
10 as well.

11 CHAIRWOMAN SCHAEFER: Thank you.
12 Legislator Ford, did you have a question?

13 LEGISLATOR FORD: I would just
14 like to have clarification too on the
15 property that's land locked.

16 Who will maintain it while you go
17 through the process of trying to see if the
18 residents will perhaps purchase it?

19 MR. SERANDIS: Technically, until
20 the county is out of title, the county
21 maintains the property. But like Kevin
22 said, most of the times when we have these
23 properties that are adjacent to people's
24 houses, people are already using them and
25 are cutting the lawns, cleaning the leaves,

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2 whatever maintenance is done.

3 Like I said, we have a 500 to
4 1,000 pieces of these properties which we
5 attempt to identify and sell on a regular
6 basis so to alleviate those issues both from
7 a standpoint of getting additional revenue
8 for the county but also to eliminate some of
9 the maintenance responsibilities falling on
10 DPW or parks or other agencies of the
11 county.

12 LEGISLATOR FORD: So then you
13 will actually reach out to the residents who
14 purchased the two other properties then?

15 MR. SERANDIS: Yes.

16 LEGISLATOR FORD: Thank you.

17 CHAIRWOMAN SCHAEFER: Any other
18 comments from the legislators?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 All those in favor of this item
23 please signify by saying aye.

24 (Aye.)

25 Any opposed?

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2 (No verbal response.)

3 The item passes unanimously.

4 Next we have Clerk Item 158-15,
5 an ordinance making certain determinations
6 pursuant to the State Environmental Quality
7 Review Act and authorizing the County
8 Executive on behalf of the County of Nassau
9 to execute a release and relocation of an
10 easement for drainage purpose between the
11 County of Nassau and Vincent Dejana situated
12 in the Village of Lattingtown, Town of
13 Oyster Bay, County of Nassau, New York.

14 Motion, please.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR RHOADS: Second.

17 CHAIRWOMAN SCHAEFER: Moved by
18 Legislator Dunne, seconded by Legislator
19 Rhoads. This item is before us. Can you
20 speak on this item as well?

21 MR. SERANDIS: Yes. Nicholas
22 Serandis again, Deputy County Attorney.
23 Basically this is a very large piece of
24 property in Lattingtown which has a drainage
25 issue, drainage that goes over several

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2 parcels. At some point it was determined by
3 DPW and by the property owner that the
4 drainage, because of the relocation of the
5 streams and drainage system underneath, that
6 the drainage was actually located on a
7 different portion of the property than where
8 the original easement was given.

9 So, after much study it was
10 determined by engineers that instead of the
11 easement being in the site where it is
12 presently located, it would be relocated to
13 the site where the actual drainage issues
14 may exist, and therefore release part of the
15 easement, release that part of the easement
16 and be granted an easement over the other
17 portion of the property, which has the
18 drainage system which can be accessed by the
19 Department of Public Works if that becomes
20 necessary.

21 CHAIRWOMAN SCHAEFER: Any
22 comments from the legislators?

23 LEGISLATOR RHOADS: Just one,
24 Deputy County Attorney Serandis, what was
25 OSPAC's recommendation on this?

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2 MR. SERANDIS: It was a negative
3 declaration, that it was proposed action --

4 LEGISLATOR RHOADS: I got it. I
5 saw it in there.

6 MR. SERANDIS: You see it now?

7 LEGISLATOR RHOADS: Yes. Thank
8 you.

9 CHAIRWOMAN SCHAEFER: Any other
10 comments? Legislator Jacobs.

11 LEGISLATOR JACOBS: Nick, is
12 there a reason why the Town of Oyster Bay --

13 MR. SERANDIS: Whose idea?

14 LEGISLATOR JACOBS: No. I'm
15 asking you --

16 MR. SERANDIS: It's in the
17 village of Lattintown and basically we were
18 approached by the property owner because he
19 wants to build something over the area which
20 is currently encumbered by the easement, so
21 he wanted to move it and after much study it
22 was determined that instead of flowing
23 against the edge of the property as opposed
24 to the middle of the property. And the town
25 is not involved at all because it's not a

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2 town property or anything of that nature.

3 LEGISLATOR JACOBS: Can I ask you
4 a question? There had to be a study with
5 this, right? So, who did the study? Who
6 knows if we move it if we're not creating
7 flooding or whatever. I'm just wondering.

8 MR. SERANDIS: Right now, based
9 upon the flow of the stream, which I gather
10 had been in existence for many many years,
11 that there is no need to access the place
12 where the easement chose to be discontinued,
13 but there will be a need to access, and
14 basically the easement is really for access
15 more than digging purposes so we have access
16 in case there happens to be an issue that
17 comes up.

18 LEGISLATOR JACOBS: Does the
19 village have anything to do with this; are
20 they in agreement with what's going on or do
21 they know about it?

22 MR. SERANDIS: Well, the easement
23 agreement is going to be recorded and it
24 will be -- it will have a different meets
25 and bounds description of the easement that

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2 was -- originally the easement was like on
3 an entire property. The easement flows like
4 between four properties and the adjacent
5 stream. So it meanders through many
6 different properties. That was the request
7 by the property owner.

8 LEGISLATOR JACOBS: I was just
9 going to ask you that. So the property
10 owner requested this?

11 MR. SERANDIS: Yes. The property
12 owner requested that the easement be removed
13 as to one area, and based upon the
14 determination by DPW and our expert, that it
15 was determined that we did have to maintain
16 an easement over a different portion of the
17 property.

18 LEGISLATOR JACOBS: Okay. Thank
19 you.

20 CHAIRWOMAN SCHAEFER: Any other
21 comments from any other legislators?

22 (No verbal response.)

23 Is there any public discussion on
24 this item?

25 (No verbal response.)

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2 There being none, all those in
3 favor of this item signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The item passes.

8 Our last item is Clerk Item
9 161-15, an ordinance making certain
10 determinations pursuant to the State
11 Environmental Quality Review Act and
12 authorizing the County Executive on behalf
13 of the County of Nassau to accept on behalf
14 of the County of Nassau an offer of purchase
15 from Thomas Passalacqua and Kathlyn Daly of
16 certain premises located in the Village of
17 Malverne, County of Nassau, State of New
18 York, said property known as Section 37,
19 Block 213, Lots 1 and 2, on the Land and Tax
20 Map of the County of Nassau and authorizing
21 the County Executive to execute deeds,
22 contracts of sale and all pertinent
23 documents in connection therewith to
24 consummate the sale.

25 Motion, please.

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2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR RHOADS: Second.

4 CHAIRWOMAN SCHAEFER: Moved by
5 Legislator Dunne, seconded by Legislator
6 Rhoads.

7 MR. SERANDIS: This is another
8 direct sale of property which was approved
9 by OSPAC and Planning which is the property
10 adjacent to the property owner who owned
11 lots three and four and, again, and we
12 identified it as county property. The
13 gentleman submitted a proposal. The
14 property owner submitted a proposal to try
15 to get the property, it was appraised, and
16 the value of the -- and as a result, we are
17 trying to sell the property again to add it
18 to the tax roll, reduce the county's
19 maintenance responsibilities and, unlike the
20 other parcels, there is no issues as to land
21 locked parcels, and there are no adjacent
22 owners, the property being adjacent to the
23 Long Island Railroad.

24 LEGISLATOR SCHAEFER: Any
25 comments from the legislators on this item?

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2 LEGISLATOR RHOADS: Just a
3 question, Madam Chairwoman. With respect to
4 OSPAC or the Planning Commission, were there
5 any restrictions, any conditions on the
6 approval?

7 MR. SERANDIS: I don't believe
8 there was any restrictions on the property
9 use, and, again, it doesn't create another
10 buildable lot for the homeowner. The review
11 of the environmental impact assessment form
12 doesn't indicate there were any restrictions
13 on the property.

14 CHAIRWOMAN SCHAEFER: Are other
15 comments from the legislators?

16 (No verbal response.)

17 Is there any public discussion?

18 (No verbal response.)

19 There being none, all those in
20 favor of this item signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item passes unanimously.

25 Thank you, Mr. Serandis. There

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2 is no other business before this committee,
3 may I have a motion to adjourn?

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR RHOADS: Second.

6 CHAIRWOMAN SCHAEFER: Moved by
7 Legislator Dunne, seconded by Legislator
8 Rhoads. All in favor on adjourning?

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 We are adjourned.

13 (Whereupon, the Planning,
14 Development and the Environment Committee
15 adjourned at 3:47 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and
Notary Public in and for the State of New
York, do hereby stated:

THAT I attended at the time and place
above mentioned and took stenographic record
of the proceedings in the above-entitled
matter;

THAT the foregoing transcript is a true
and accurate transcript of the same and the
whole thereof, according to the best of my
ability and belief.

IN WITNESS WHEREOF, I have hereunto set
my hand this 18th day of May, 2015.

FRANK GRAY